



CITY OF MORGAN HILL

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PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

DECEMBER 4, 2001

PRESENT: Acevedo, Benich, Lyle, Mueller, Weston

ABSENT: McMahon, Sullivan

LATE: None

STAFF: Planning Manager (PM) Rowe, Senior Engineer (SE) Creer, and Minutes Clerk Johnson

In the absence of both the Chair and Vice Chair, Commissioner Mueller agreed to be the Acting Chair and called the meeting to order at 7:05 p.m.

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

Acting Chair Mueller opened the public hearing.

There being no persons present to address the Commissioners, the public hearing was closed.

MINUTES:

NOVEMBER 13,
2001

**COMMISSIONERS LYLE/BENICH MOTIONED TO APPROVE THE
NOVEMBER 13, 2001 MINUTES WITH THE FOLLOWING AMENDMENTS:**

Page 4, paragraph 2: ~~Housing Task Force~~ General Plan Task Force

Page 4, middle of the page: request is for a 5-unit subdivision

Page 8, (date is to be corrected, then) bottom of the page: extension is for 18 months

Page 9: Staff distributed revised pages 7 through 11.

Page 10, Add: The suggested changes were to include a final adjustment to the allocations in May, 2002 based upon new Department of Finance numbers.

Page 11, top of page: Agreement by consensus: Changes to the final award process

of Measure P for 2002.

THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: MCMAHON, SULLIVAN.

OLD BUSINESS:

Note: Items 1 and 2 were presented and discussed simultaneously

**1. 2. ZA-01-05:
MONTEREY-
SOUTH VALLEY
DEVELOPERS**

A request to amend the CG-General Commercial zoning district to Planned Unit Development on a 6.22-acre site at the intersection of Cochrane Rd. and Monterey Rd.

**2. UP-01-05:
MONTEREY-
ARCO**

A request to approve a conditional use permit to construct a new 3,600 sf Arco am/pm mini-market, a 4,500 sf canopied gas station and a 792 sf car wash facility located at 18605 Monterey Rd. at the southwest corner of Monterey and Cochrane Roads.

PM Rowe presented the staff report, noting this item was continued from the November 13th meeting. Commissioners had, at that time, he said, provided comments with respect to the proposed use permit; proposed exception from maximum building and accessory building heights; and site, landscape architectural and sign plans in relationship to the gateway location of the project. PM Rowe continued that the Commission requested the applicant work with staff to submit revised plans. The Commission also directed staff to provide a copy of the traffic study conducted for the proposed project. The applicant and staff have completed the direction of the Commission with the revised plans presented at this time. PM Rowe called attention to specific items for reconsideration, which are included in the

Planned Unit Development (PUD) Guidelines:

The maximum building height will remain at 35' per City code (applicant had originally asked for 44') page 1, item G

The gateway tower sign, originally requested to be 16' will be 12', with signage being limited to include prices of the fuel available. The "wings" of the Tower will be limited to 6' and may contain advertisement of businesses within the park.

The 2nd Arco sign proposed for the south entrance has been eliminated

Page 4, d, 05: Modify : Except fuel trucks

No shopping carts will be permitted for any business (this change resulted from Commissioners' discussion)

It will be a requirement that the commercial building be occupied before the retail or fast food establishment(s) are

Item 18, page 4, ~~10,000~~ 14,000 square feet

Page 5, items 06 and 09, flexibility permitted for 2 - 3 foot berming

Page 8, item M ~~13~~ 12

Page 10 item E, delete 02 and 03

Exhibit "A" - Standard Conditions

Page 1, (3) ~~November 13~~ December 4

Page 3, item F To be readdressed in the PUD guidelines

A section of the Environmental Impact Report was renewed with the distribution of a new page 4, item "G"

Concerning the traffic mitigation report, SE Creer was asked to address items I and J, concerning the widening of specified streets. He reported that having looked at the matter, it appears that the traffic projected can be accommodated without widening. He also called attention to item i where it is implied that 3rd left turn lane may be warranted, noting that his department continues to look into the matter. Commissioners asked SE Creer about utilizing landscaping on the medians in the area. He replied that every effort will be made to include trees and landscaping on the medians noticed.

PM Rowe informed Commissioners such matters as landscaping, loitering, signage, etc. could be included as a requirement of the use permit.

Commissioners also asked for clarification regarding the aggregate square footage, Fire Department involvement in the traffic patterns, and alignment of the driveways to current streets. PM Rowe responded to each issue as it was raised.

Acting Chair Mueller opened the public hearing.

Scott Schilling, 16060 Caputo Dr. #160, project applicant, said he would be answering questions about the site proposal, and indicated that BP/Arco representatives and George Garcia, the architect were present for questions, as well. He addressed issues of: the driveway placement; signal/turn lanes - particularly noting the wider inbound lanes (***Mr. Schilling said, "We have responded to the concerns raised by the Commissioners at the last meeting of widening the street approaches to the project. Several directional lanes are now indicated and there will be no encroachment of traffic aisles into landscaped areas." He continued that entrances have been modified in the current plans in response to concerns raised by the Commissioners at the last meeting.***); the modified entrance - completed at the request of the Commission; the unique approach to the creation of the gateway at the site; the elimination of the "fuel station look", with a true architectural statement being made; the emphasis on tree plantings in the landscaping; and the 5' rock wall, noting the elevation of the sidewalk to accommodate the placement of the wall.

Mr. Schilling spoke on phasing the project, explaining that they want to develop on a schedule that "works" in view of the current economy, and asked that the phasing condition be slightly revised to permit timely development of the project. At this time, Commissioners engaged in discussion regarding the order of occupancy of buildings. Mr. Schilling presented a proposed phasing schedule. When asked, Mr. Schilling responded that it was his belief that the first buildings would be completed within 18 months, and projected total build-out to be accomplished in 4 - 5 years.

In response to questions from the Commissioners, Mr. Schilling said that a fence was to be constructed next to the railroad tracks, but placement of landscaping there would only drive cost up. Speaking to the issue of proposed building materials, Mr. Schilling emphasized that those would be of very high quality.

George Garcia, 1880 Santa Barbara St #C, San Luis Obispo, architect for the project, told Commissioners he had three items to present. Having fuel trucks access the tanks at night would be beneficial; 22 parking spaces (increased from 20) will be provided; and he promised that the one sign for Arco will be most attractive.

Ken Wickerham, BP Manager of Site Acquisition North, West Coast Unit, was present and addressed issues of business operations raised by the Commissioners. He also addressed the landscaping issues, saying that the company favored the extensive landscaping proposed, but wanted to make sure the fuel pumps were not blocked or view decreased by the landscaping, saying this concern was a site safety and security issue.

John Broderson, 15865 Monterey Rd., cited the City's 300 sq. ft. sales and display ordinance for convenience markets located within 1000 feet of a school, which as a business owner he must adhere to, that appears to be breached by this proposal. He said that as the owner/operator of two Chevron stations, he has had to "live under the rules and regulations" of the ordinance. Mr. Broderson warned that if this proposal is accepted by the Commissioners, a precedence will be set, causing difficulties for those who do work under the current ordinance.

Robert Quill, 18575 Old Monterey Road, complained that the Planning Commissioners appear detached from the concerns of the neighborhood, adding that the residents were angry. He stated a belief that a "disaster is being invited by this type of business", speaking of the children in the area who would be tempted to venture onto the railroad tracks to visit the convenience market. Mr. Quill said that despite many meetings with the project engineer and representatives of the project, the issues raised by the neighborhood have not been resolved.

Patti Andrade, 18625 Monterey Rd., told Commissioners that she is appearing to represent her family and their business, the El Capri Restaurant. She asked the Planning Commissioners if they had fully considered the issues of safety, crime and noise. The Commissioners, she said, have addressed other issues, e.g., landscaping, circulation within the project and Scott Schilling has attempted to address many issues, but the temptation for the issues she raises are still there. She said the Planning Commissioners should be held morally and ethically responsible for matters such as this. Ms. Andrade continued by asking, "How many fast food restaurants does Morgan Hill need?" She disclosed the family plans to remodel the restaurant and is working with the Redevelopment Agency, but finds that the many restrictions to become eligible for funding are difficult to meet. "Now this (Arco project proposal)," Ms. Andrade said, "contributes to local business difficulty. If this is allowed, the City should lighten up on the restrictions and regulations so locals can be up to par with this project."

Scott Schilling faced the Commissioners again, stating that he had met with the neighbors, making lists of their concerns and that he and the applicants have tried to address those concerns. The fence, he emphasized, was redesigned to surround the property, along with tree screening on the west of the property.

Acting Chair Mueller asked Mr. Wickerham to speak on the corporate policy regarding building next to railroad tracks. Mr. Wickerham replied that he was unaware of an official corporate policy, but stressed that the company has emphasis on the environment and safety issues. He noted that the company makes all attempts for safety in the design of their projects.

With no others present to address the matter, Acting Chair Mueller closed the public hearing.

PM Rowe called attention to the fencing requirement in the PUD agreement, stating this had been previously agreed upon. At this time, Commissioners discussed additional traffic/circulation concerns with PM Rowe and SE Creer: traffic signals at either Jarvis or Old Monterey Road, concurring that "it would make more sense on Old Monterey", as placement on Jarvis would be too near existing signals.

COMMISSIONERS LYLE/BENICH MOTIONED THE APPROVAL OF THE MITIGATED NEGATIVE ENVIRONMENTAL DECLARATION, AS REVISED. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: MCMAHON, SULLIVAN.

The issues agreed for change were reiterated:

Planned Unit Development (PUD) Guidelines

Page 1; item F and G

Page 4 item 18; section D except fuel deliveries

Page 5: berms to be varying 2 - 3' elevations, and is contingent on the wings of the walls;

Page 8: M1 12', not 13'

Page 9: item 5B, shopping carts not allowed

Page 10: item e - delete 2 and 3

At the railroad tracks, landscaping shall be cut back from 10' to 5' by tapering that length. This is being put into the guidelines as screening for the neighborhood.

Other issues:

Phasing will be permitted with the occupancy of the commercial or office being accomplished before the establishment of a fast-food restaurant business. The fence will be completed (carried past the El Capri restaurant, but not detract from ingress to the building) as part of phase 1, in addition to placement of the enhanced landscaping. The retention ponds will also be part of phase 1.

Lighting: Page 6: parking lot light OK; exterior building lighting will be limited to 20', except on the west (facing the neighborhood) side, where 12' is recommended.

Window signs: will be prohibited. In the matter of signage, there will be 13 uniform signs on the side of the retail building facing Monterey, with shadowed upward lighting for display.

Clarify) The retention ponds are indicated to be part of phase 1 and will be built/installed in the parking lot.

Phasing of the project, as described by the applicant, will be permitted with a requirement of occupancy of the commercial or office building(s) being achieved before the fast-food restaurant business permits are issued.

Exterior lights on all buildings will be no greater than 20'.

Signage on the side(s) of retail buildings will be lighted with indirect lighting, shadowed for display purposes with no back-lighting permitted; no wall mounted lighting shall be allowed for illumination; all illumination for wall signage will be from downlit fixtures. Monument lighting will be permitted for the entrance to the fueling station with ground-level upward lighting for display.

Commissioners asked PM Rowe to elaborate on the potential effect of a second CalTrain

track adjacent to the subject property. Concerns were voiced by various Commissioners regarding visibility as the Gateway and the canopy lighting at the fueling station.

COMMISSIONERS LYLE/ACEVEDO MOTIONED TO APPROVE THE PUD, AS MODIFIED. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: MCMAHON, SULLIVAN.

RESOLUTION NO. 01-81A APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR DEVELOPMENT AND OPERATION OF AN ARCO SERVICE STATION CONSISTING OF 3,600 SQ. FT. MINI-MART, 792 SQ. FT. CAR WASH AND 4,00 SQ. FT. PUMP ISLAND, AT 18605 MONTEREY ROAD WAS OFFERED BY COMMISSIONER BENICH, WITH THE SECOND BY COMMISSIONER ACEVEDO, PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, LYLE, WESTON; NOES: MUELLER; ABSTAIN: NONE; ABSENT: MCMAHON, SULLIVAN.

Responding to the applicant's request, Item 6 was heard at this time.

**6. ZA-01-18/
SD-01-04/DA-01-02:
MCLAUGHLIN-
JONES** A request for approval of a 9 lot subdivision of a 2.15 acre parcel located on the east side of McLaughlin Ave., north of Central Ave. in the R-2 3,500 zoning district. Also requested is the approval of a precise development plan (RPD zoning designation) and the approval of a project development agreement. A mitigated negative declaration is proposed.

PM Rowe presented the staff report, asking that the matter be tabled, due to conflicting information regarding this item having been withdrawn from consideration, and subsequently reinstated by the applicant. He reminded that the concern raised by the Planning Commissioners had been that of "piecemeal" development.

Acting Chair Mueller opened the public hearing.

Bruce Tichinin, 17775 Monterey St., announcing he is the attorney for the applicant, agreed to have the matter tabled.

With no other person indicating a wish to address the matter, the public hearing was closed.

Commissioners asked PM Rowe to attempt to have the entire project under one PUD for total planning of the project.

COMMISSIONERS LYLE/ACEVEDO MOTIONED TO CONTINUE THE MATTER TO JANUARY 22, 2002. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: MCMAHON, SULLIVAN.

The agendaized order of business was resumed.

3. USA-01-02/ A request to amend the Urban Service Area boundary to include a 30 acre parcel

GPA-01-04/ located on the west side of Monterey Rd., east of Hale Ave. approximately 1000 ft. north
ZA-01-09/ of Sanchez Dr. The General Plan amendment requested is to change the land use
HALE-ANX-01-03: designation from Single Family Medium to Public Facility. Annexation and rezoning
CATHOLIC of the 30 acre parcel is also requested. The proposed zoning designation for the parcel
HIGH SCHOOL is PF, Public Facility. A mitigated negative declaration is proposed for the project.

PM Rowe presented the staff report, denoting a modification in section 4 of the proposed Resolution (01-87) and citing Municipal code 18.62.070 C, which ensures this zoning prohibits residential unless a further zoning change is sought. Commissioners requested that in the finalized Resolution that the actual language be inserted; PM Rowe concurred with the change.

Commissioners expressed concern that no PUD application has been received for this project. PM Rowe responded that the main objective at this time is to bring the property into the City.

PM Rowe also presented a replacement for proposed Resolution No. 01-91

Acting Chair Mueller opened the public hearing.

Paul Bunton, 4615 enterprise Ct., Fremont, who is the architect for the project, was present to state that there was agreement with the staff recommendations indicated in the proposed Resolutions, zoning, and annexations. He introduced Monsignor Mitchell, who greeted the Commissioners and discussed potential student population(s). Mr. Bunton continued that there are some unresolved issues in the area of costs for off-site improvements, citing largely the traffic impacts and the effect the construction of a new public high school nearby.

With no others present and wishing to speak, the public hearing was closed.

Commissioners asked PM Rowe to determine the closure of the comment period for the EIR. PM Rowe reported that to date, no comments have been received and the period set for receiving comments is November 6 - December 20, 2001. He noted that the matter is to be heard for final disposition by the Planning commission on January 8, 2002 before being presented to the City Council on January 16, 2002. Commissioners discussed whether a vote should occur this date; PM Rowe said an affirmative vote could be conditional pending receipt of significant or adverse comments.

Commissioners examined the EIR, commenting on the intersection at Main and Monterey in relation to the proposed project; traffic trip issues (the Traffic Engineer Dan Takacs, with Higgins Associates was present to address the questions raised); the need for equality of cost-sharing for improvements to the infrastructure; and the conservative nature of projecting student population(s).

SE Creer was asked to address the prohibition of left turn lanes at Main and Old Monterey regarding this project; he responded as requested.

COMMISSIONERS ACEVEDO/LYLE OFFERED RESOLUTION NO. 01-91, AS AMENDED AND REVISED, WITH CONDITIONAL ACCEPTANCE PENDING ADVERSE OR SIGNIFICANT COMMENTS, RECOMMENDING

CERTIFICATION OF THE ENVIRONMENTAL IMPACT REPORT FOR THE CATHOLIC HIGH SCHOOL. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: MCMAHON, SULLIVAN.

COMMISSIONERS BENICH/LYLE OFFERED RESOLUTION NO. 86, WITH MODIFICATION TO SECTION 4, RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT GPA 01-04; HALE AVE.-CATHOLIC HIGH SCHOOL AMENDING THE LAND USE DESIGNATION ON A 30 ACRE PARCEL LOCATED ON THE EAST SIDE OF HALE AVE., WEST SIDE ON MONTEREY RD. APPROXIMATELY 2300 FT. SOUTH OF THE HALE AVE. AND TILTON AVE INTERSECTION FROM SINGLE FAMILY MEDIUM TO PUBLIC FACILITY. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: MCMAHON, SULLIVAN.

COMMISSIONERS ACEVEDO/LYLE OFFERED RESOLUTION NO. 01-85, RECOMMENDING APPROVAL OF INCLUSION INTO THE CITY'S URBAN SERVICE AREA APPLICATION. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: MCMAHON, SULLIVAN.

COMMISSIONERS ACEVEDO/LYLE OFFERED RESOLUTION NO. 01-87, RECOMMENDING APPROVAL OF A ZONING AMENDMENT FROM COUNTY A-20 TO PUBLIC FACILITY, NOTING THE INCLUSION OF THE LANGUAGE OF MUNICIPAL CODE 18.62.070 C, WITH FURTHER INDICATION OF THE MODIFICATION OF SECTION 4 IN RESOLUTION NO. 01-86. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: MCMAHON, SULLIVAN.

COMMISSIONERS LYLE/ACEVEDO OFFERED RESOLUTION NO. 01-87, RECOMMENDING APPROVAL OF THE ALTERATION OF BOUNDARIES OF THE CITY OF MORGAN HILL BY ANNEXATION THERETO OF CERTAIN TERRITORY DESIGNATED "HALE AVE. ANNEXATION NO. 4", AND WITHDRAWAL OF SAID TERRITORY FROM THE SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: MCMAHON, SULLIVAN.

NEW BUSINESS:

**4. DAA-00-12:
E. DUNNE-
GREWAL**

A request for approval of an exception to loss of building allocation for a four lot subdivision of a 1.6 acre parcel located on the north east corner of the intersection of Hill Rd. & E. Dunne Ave. The parcel is zoned R-1 7,000 single family medium density. The applicant is requesting a six month extension of the residential building allotment from December 31, 2001 to June 30, 2002.

PM Rowe presented the staff report, stating that the reason for the request is that the applicant is close to finalization of the process. He said the applicant has indicated he expects to begin building in January, 2002, but must have this extension to achieve that goal.

The location and physical attributes of the property were discussed with PM Rowe by the Planning Commissioners. Attention was called to the error in dates on the Development Schedule for the project. Staff will correct the dates as warranted.

Acting Chair Mueller opened the public hearing.

With no one present to address the matter, the public hearing was closed.

COMMISSIONERS ACEVEDO/BENICH MOTIONED TO APPROVE RESOLUTION NO. 01-89, RECOMMENDING APPROVAL OF A SIX-MONTH EXCEPTION TO LOSS OF BUILDING ALLOCATION FOR APPLICATION DAA-00-12-E. DUNNE - GREWAL. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, WESTON; NOES: LYLE, MUELLER; ABSTAIN: NONE; ABSENT: MCMAHON, SULLIVAN.

For the record, Commissioner Lyle stated that his vote reflected an opinion that the findings were too weak and *only* a two-week delay was not warranted. Commissioner Mueller said he had been opposed to the project from the beginning and he has not wavered. Further, he stated, there is a problem in the transition zoning and going across a 60-foot right-of-way to one-acre lots.

OTHER BUSINESS:

5. GILROY GENERAL PLAN UPDATE/ DRAFT EIR

Review and comment on the draft General Plan for the City of Gilroy.

PM Rowe presented the staff report, wherein he raised two issues of concern:

- the jobs/housing balance, with policy 3.1 not being addressed in the Gilroy plan
- traffic increase potential with the Gilroy plan indicating the need for having Santa Teresa become an expressway to the City limits of Morgan Hill

In discussion with Commissioners, PM Rowe noted that in the element of traffic improvements, it is unclear when the plan would have Buena Vista widened and/or Highway 101 improved. Further, he said, "There seems to be an effort at providing an expressway around the City of Gilroy."

Discussion continued regarding the building units proposed, with the concern raised regarding "fair share" housing units recommended by the State. The severe imbalance of jobs/housing was considered as being detrimental to the City of Morgan Hill, with Gilroy having an emphasis on building jobs for residents of other cities.

Commissioners advised PM Rowe they would like to see a strong protest waged in view of the issues they had discussed.

Acting Chair Mueller commented that the only way to deal with the traffic issues of the area is to increase and encourage mass transit. Other Commissioners agreed the South

County needs to be more aggressive in dealing with traffic issues. It was commented upon that the South County gets “nothing, zip, zilch” for mass transit.

Commissioner Acevedo raised the issue of the part of Gilroy’s plan which would have Santa Teresa be designated a ‘Scenic Highway’ by the State, wondering what effect this might have on Morgan Hill?

ANNOUNCEMENTS:

PM Rowe reminded Commissioners that the next meeting would be January 8, 2002 and wished all a pleasant holiday “furlough”. He also announced that the meeting scheduled for December 6, 2001 to be held with the Santa Clara Planning Director ~~has been canceled~~ **would not occur as efforts to schedule the meeting had been unsuccessful**. PM Rowe announced that eleven Measure P applications have been received and the anticipated mailings to Commissioners will be in early January, 2002.

Commissioner Acevedo reported on the December 13th Economic Development Commission’s Economic Stimulus workshop, which he and Commissioner Mueller will attend.

All were urged to attend the Joint City Council/Planning Commission/Housing Element Task Force Workshop on Wednesday, December 12 at 7 p.m.

ADJOURNMENT: There being no further business, Acting Chair Mueller adjourned the meeting at 11:03 p.m.

MINUTES RECORDED AND PREPARED BY:

JUDI H. JOHNSON, Minutes Clerk

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